

REMARKS

After entry of this Amendment, claims 1-19 are pending in the application. Claims 1, 2, 7-10, 12, and 16-19 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 20- 22 have been canceled. Reconsideration of the application as amended is requested.

In the Final Office Action dated November 17, 2006, claims 1-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Information on Daimler-Chrysler hereinafter known as Chrysler in view of an article entitled "*1992-1995 Chrysler Mini-Vans: A Revolution on Wheels*", hereinafter known as VMR. The Examiner asserts it would have been obvious to one skilled in the art at the time the invention was made to modify Chrysler by establishing product personality for a product to provide the products which a consumer will purchase as taught by VMR. It is submitted that Chrysler and VMR do not anticipate, teach or suggest the invention recited in pending claims 1-19, taken singly or in combination.

As recited in claim 1, from which claims 2-16 depend, the product is made by a process that includes the steps of establishing a product personality for a product series, correlating the product personality with a visual characteristic of the product series as viewed by a consumer, and designing the product based on the correlation. The "product series," as recited in claim 1 refers to a set of different products. See ¶[1027].

Claim 17 recites a method of creating a product. The method includes the steps of establishing desired brand personalities for a series of products, mapping customer perceptions of the brand personalities, correlating visual characteristics of the brand personalities to a desired brand, determining visual characteristics of the desired brand, and designing a product appearance in response to the visual characteristics of the desired brand. The "series of products" as recited in claim 17 refers to a set of different products. See ¶[1027].

Claim 18 recites a method of creating brand equity in a series of products. The method includes the step of assigning desired personality adjectives to a current brand where the current includes a series of products. The method also includes associating a plurality of images and a plurality of dominant personality traits to generate an association between the plurality of

images with the plurality of dominant traits, correlating the association of the images and traits with the adjectives to generate an image adjective profile, and creating a brand visual characteristic by plotting the association on a perceptual map. The “series of products” as recited in claim 18 refers to a set of different products. See ¶[1027].

Claim 19 recites a series of appliances, including at least one of a washer, dryer, refrigerator, freezer, oven, stove, range, counter top appliance, cooktop, grill, hood, dishwasher, and microwave oven, comprising a first appliance having an appearance with a visual characteristic correlated to a predetermined product personality and a second appliance having an appearance with a similar visual characteristic correlated to the product personality. The similar visual characteristic includes at least one of a panel, frame, top, bottom, rollers, stand, contour, dispenser, plating, pan, icon, graphic, color, texture, display, LED display, lever, tray, shelf, bar, lighting, switch, door, handle, knob, button, dial, siding, backing, interior, façade, and shape.

Chrysler is relevant only for its disclosure of making vehicles having visual characteristics and features. Pgs. 6, 13, 24, and 30. For example, each Voyager minivan can come in a “Standard” model having a specified list of features or in an “LX” model having a specified list of features, some of which are different from the features on the “Standard” model. See pgs. 6-11. The features of the different models within the Voyager minivan product line are not decided based on a desired personality viewed by a consumer. Chrysler merely discloses models and the accompanying features included in the various vehicle models; Chrysler does not disclose how it is decided which features are included on some models and not on others. Therefore, Chrysler is devoid of establishing a product personality for a product series and correlating the product personality with a visual characteristic of the product series as viewed by a consumer as recited in claim 1, from which claims 2-16 depend. Chrysler is also devoid of mapping customer perceptions of brand personalities or creating a brand visual characteristic by plotting an association on a perceptual map as recited in claims 17 and 18, respectively.

Additionally, Chrysler discloses different models within a vehicle platform. For example, the minivan platform includes the Voyager Standard model, the Voyager LX Standard model, the Town and Country LX, the Town and Country LXI, and the Town and Country Limited. Each minivan model within the minivan platform having different trim packages and

features is not analogous to the “product series,” “series of products,” or “series of appliances” as recited in claims 1, 17, 18 and 19.

The VMR article discloses a brief synopsis on how the minivan design progressed from merely “a box on wheels” to the successful Chrysler minivan product line comprised of the Voyager, the Caravan, and the Town and Country. The article briefly highlights the various exterior and interior features included on the Chrysler minivan models, the SE, LE, ES, and LX. Pgs. 2-4. Each of the Chrysler minivan models has different and overlapping features and options such as paint schemes, driver controls and gauges, safety airbags, seating configurations and different engine and transmissions sizes. But, “[a]side from trim and some option availability the Plymouth [Voyager] and Dodge [Caravan] versions are identical and were available in standard and “Grand” (stretched) form”, and the Town and Country is “outfitted like a luxury car.” Pg. 2. However, VMR does not disclose how it is decided which features are included on the different models. Therefore, VMR is devoid of establishing a product personality for a product series and correlating the product personality with a visual characteristic of the product series as viewed by a consumer as recited in claim 1, from which claims 2-16 depend. VMR is also devoid of mapping customer perceptions of brand personalities or creating a brand visual characteristic by plotting an association on a perceptual map as recited in claims 17 and 18, respectively.

VMR merely discloses different features of the model within the minivan product platform. VMR does not disclose features that are exclusive to a particular product line which is comprised of a series of products from different vehicle platforms. VMR’s disclosure that the models within the minivan platform have different trim packages and features is not analogous to the “product series,” “series of products,” or “series of appliances” as recited in claims 1, 17, 18 and 19. Therefore, Applicants’ respectfully submit that claims 1-19 are not rendered obvious by the references, taken singly or in combination. Reconsideration is respectfully requested.

Examiner has also requested that Applicant and Assignee provide information on how the Assignee Whirlpool established Kirkland Signature appliances for Costco. Applicant respectfully submits that the article, “Costco Ready to Grow Clubs and Expand Private Label” discloses that Costco is “partnering with brand name vendors to produce custom lines for

warehouse chains." Page 4. The article merely notes that Costco will be selling Kirkland Signature appliances made by Whirlpool. The article does not disclose how many appliances, what appliances or whether a product suite will be sold at Costco. As shown in the attached advertisement from Costco website, the only Whirlpool brand appliance sold under the Kirkland Signature label is a single refrigerator. Therefore, the article does not indicate that a system and method of product by process of establishing a method of establishing a product personality for a product series, correlating the product personality with a visual characteristic of the product series as viewed by a consumer, and designing a product based on the correlation as recited in the subject matter disclosed in claims 1-16, or a method of establishing desired brand personalities for a series of products, mapping the customer perceptions of the brand personalities, correlating visual characteristics of the brand personalities to a desired brand, determining visual characteristics of the desired brand, and designing a product appearance in response to the visual characteristics of the desired brand as recited in claim 17 existed. The article also does not show that a series of products existed wherein the series included at least one of a washer, dryer, refrigerator, freezer, oven, stove, range, counter top appliance, cooktop, grill, hood, dishwasher, and microwave oven, and comprised a first appliance having an appearance with a visual characteristic correlated to a predetermined product personality and a second appliance having an appearance with a similar visual characteristic, including at least one of a panel, frame, top, bottom, rollers, stand, contour, dispenser, plating, pan, icon, graphic, color, texture, display, LED display, lever, tray, shelf, bar, lighting, switch, door, handle, knob, button, dial, siding, backing, interior, façade, and shape as recited in claim. The similar visual characteristic includes. Reconsideration of the requirement for additional information under 37 C.F.R. § 1.105 is respectfully requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application and places the application in suitable condition for allowance; notice of which is respectfully requested. Reconsideration of the application as amended is requested.

A charge to Deposit Account No. 23-1660 in the amount of \$790.00 has been authorized for the RCE, as well as \$120.00 for a one-month extension of time. No additional

fees or extensions of time are believed to be due in connection with this filing. However, please consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 23-1660.

Respectfully submitted,

/Tara M. Hartman/

Dated: April 13, 2007

Tara M. Hartman, Registration No. 58,805
Telephone (269) 923-8081

WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive – Ste. 102 MD750
St. Joseph, Michigan 49085

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

deposited with the United States Postal Service
with sufficient postage as first class mail, in an envelope
addressed to the Commissioner for Patents,
Alexandria, VA, 22313-1450.

transmitted by EFS to the Patent and Trademark Office

Signature

/Deborah A. Tomaszewski/

Date April 13, 2007

Deborah A. Tomaszewski